

Definition of a "bet"
(SB 482, by Harris)

DIGEST: SB 482 would have excluded from the definition of "bet" in the Penal Code an offer of merchandise worth \$25 or less in a bona fide game of skill. The offer would have had to be made by the proprietor of the game. Only the person participating in the game could have received the merchandise.

GOVERNOR'S
REASONS
FOR VETO:

The bill would have limited the ability of law-enforcement agencies to define the word "bet" in the Penal Code, which is used for the prosecution of gambling crimes.

SPONSOR'S
VIEW:

Sen. Harris said the reason for the Governor's veto was "stupid" because the Dallas chief of police and Dallas county city attorneys all cleared the bill and no law-enforcement agencies publicly opposed it. The bill was needed to legitimize carnival games like those at the State Fair in Dallas. Technically, these games violate the gambling statutes, although most law-enforcement agencies look the other way. Sen. Harris said he would reintroduce the bill during the next legislative session.

NOTES: The HSG analysis of this bill appeared in the May 25 Daily Floor Report.

Local health departments' fees for health services
(SB 583, by Whitmire)

DIGEST: SB 583 would have authorized local health departments that receive state support to charge fees for public health services but not for "personal health services." Public health services could not have been denied to persons unable to pay, and the department could have set a reduced fee or no fee for these persons. Fees could not have exceeded the cost of providing services.

GOVERNOR'S
REASONS
FOR VETO:

SB 583 removes the authority of health departments "to include 'personal health service' fees and has the clear potential for causing devastating financial loss to local health departments." SB 583 conflicts with SB 109, effective Sept. 1, 1983, which authorizes local health departments to charge for all types of public health services and allows a flexible fee schedule for indigents.

SPONSOR'S
VIEW:

Sen. Whitmire said that he assumes the Governor's reasons for the veto are correct and that the intent of his bill is the same as that of SB 109. The Harris County Commissioners Court, which asked Whitmire to carry SB 583, had not contacted Whitmire about the veto, he said.

Local retention of fees at state chest hospitals
(SB 810, by Brooks)

DIGEST:

SB 810 would have exempted state chest hospitals from the State Funds Reform Act of 1981, thereby allowing them to retain and spend fees for physicians' services locally. Obsolete statutes for the establishment of a pilot program for the treatment of chronic respiratory disease would have been deleted.

GOVERNOR'S
REASONS
FOR VETO:

"This measure would allow the fees and charges collected by each state chest hospital for physicians' services to be exempt from the State Funds Reform Act of 1981. There is no compelling reason why these funds should not flow through the state treasury."

SPONSOR'S
VIEW:

Sen. Brooks said local retention of fee income had given the chest hospitals "a significant way to improve quality medical services." He said while he had "no quarrel" with the Governor over the veto, he felt it demonstrated a lack of understanding by the Governor as to why the fee system had been set up with local control. The local fee money had been used to pay for travel, equipment, malpractice insurance and other hospital expenses. He said it would be up to the State Board of Health to decide whether or not to reintroduce the bill.